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20/6/98

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 2ND DAY OF JUNE 1998

BEFORE

THE HON'BLE MR. JUSTICE V. K. SINGHAL

WRIT PETITION NOS. 15515/1998 & 15698/1998

15516/1998 & 15697/1998, 15517/1998 AND

15696/1998, 15518 & 15694/1998, 15519/98

& 15695/1998

In W.P. 15515 & 15698/1998

BETWEEN:

1. Smt. N. Govardhani Devi,
w/o Sri N. Shivashankar,
Major, r/at, Kanukunta (V)
Via Narsapur, Medhak Dist. (AP)
rep. by her GPA holder
Sri Behra s/o Late Sri Aditya
Behera, aged about 28 years.

2. Sri H.S. Naik,
Proprietor,
M/s. Mahadev Agro Industries,
Tulasi, P.O. Tilda,
Madhya Pradesh.

.. Petitioners ..

(By Sri Nagendra ^{Naidu} ~~Mishra~~ R., Advocate.)

AND

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(S)
1. The Excise Commissioner,
Government of Karnataka,
Diamond Jubilee Complex,
Hudson Circle,
Bangalore.

2. The Inspector of Excise,
Bidar Range,
Bidar.

.. Respondents ..

(By Smt. S.Sujatha, HCGP.)

Writ petitions filed under articles 226 and
227 of the Constitution of India, praying to direct
the respondent to release the Tanker bearing No.AP-
23-T-3411 containing 1500 M.T.S. of Molasses to the
Custody of the Petitioners and etc.,

In W.P. Nos.15516 & 15697/1998

BETWEEN:

1. K. Nagi Reddy s/o
K. Narasa Reddy,
Major, r/at No.432,
B.N. Reddy Nagar,
Rangareddy Dist.,
Hyderabad (Andhra Pradesh)
rep. by his GPA holder
S. Behera s/o Late Sri Aditya
Behera, aged about 28 years.

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2. Sri H.S. Naik,
Proprietor,
M/s. Mahadev Agro Industries,
Tulasi, P.O. Tilda,
Madhya Pradesh.

.. Petitioners ..

(By Sri R.N. Naidu, Advocate.)

AND

1. The Excise Commissioner,
Govt. of Karnataka,
Diamond Jubilee Complex
Hudson Circle,
Bangalore.

2. The Inspector of Excise,
Bidar Range,
Bidar.

.. Respondents ..

(By Smt.S.Sujatha, HCGP.)

Writ petitions filed under articles 226 and 227
of the Constitution of India, praying to direct the
respondents to release and Tanker bearing No.AP-28-
T-7699, containing 1500 M.T.S. of Molasses, to the
custody of the petitioner and etc.,

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In W.P. Nos. 15517 & 15696/1998

BETWEEN:

1. S. Sathaiiah
s/o S. Narayan,
Major, r/at H.No. 6-3-548,
Erramanzil, Hyderabad,
rep. by his GPA holder
S. Behera s/o Late
Sri Aditya Behera,
aged about 28 years.
2. H.S. Naik,
Proprietor,
M/s. Mahadev Agro Industries,
Tulasi, P.O. Tilda,
Madhya Pradesh. .. Petitioners ..

(By Sri R.N. Naidu, Advocate.)

AND

1. The Excise Commissioner,
Govt. of Karnataka,
Diamond Jubilee Complex,
Hudson Circle,
Bangalore.
2. The Inspector of Excise,
Bidar Range, Bidar. .. Respondents ..

(By Smt. S. Sujatha, HCGP.)

Writ petitions filed under articles 226 and 227 of the Constitution of India, praying to direct the respondent to release the Tanker bearing No.AHT 6921, containing 1500 M.T.S. of Molasses to the Custody of the petitioners and etc.,

In W.P. Nos.15518 & 15694/1998

BETWEEN:

1. N.Chandra Mohan
s/o N.Shivashankar,
Major Residing at
H. No.37-116,
Jagdgirigutte,
Rangareddy (Dist.) A.P.
rep. by his General
Power of Attorney Holder
Sri S.Behra s/o Late
Aditya Behera,
Aged about 28 years.
 2. Sri H.S. Naik,
Proprietor,
M/s. Mahadev Agro Industries,
Tulasi, P.O. Tilda,
Madhya Pradesh.
- .. Petitioners ..

(By Sri R.N. Naidu, Advocate.)

AND

1. The Excise Commissioner,
Government of Karnataka,
Diamond Jubilee Complex,
Hudson Circle,
Bangalore.

2. The Inspector of Excise,
Bidar Range,
Bidar.

.. Respondents ..

(Smt. S.Sujatha, HCGP.)

Writ petitions filed under articles 226 and
227 of the Constitution of India, praying to direct
the respondent to release the Tanker bearing No.
AIW
3879 containing 1500 MTS of Molasses to the
Custody of the petitioners and etc.,

In W. P. No.15519 & 15695/1998

BETWEEN:

1. K. Nagireddy
s/o K.Narasi Reddy,
Major r/at Plot No.432,
B.N. Reddy Nagar,
Vanstalipuram,
Ranga Reddy Dist. (A.P),

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rep. by his GPA holder
Sri S. Behera s/o
Late Sri Aditya Behera,
aged about 28 years.

2. Sri H.S. Naik,
Proprietor,
M/s. Mahadev Agro
Industries, Tulasi,
P.O. Tilda,
Madhya Pradesh.

.. Petitioners ..

(By Sri R.N. Naidu, Advocate.)

AND

1. The Excise Commissioner,
Government of Karnataka,
Diamond Jubilee Complex,
Hudson Circle,
Bangalore.

2. The Inspector of Excise,
Bidar Range,
Bidar.

.. Respondents ..

(By Smt. S. Sujatha, HCGP.)

Writ Petitions filed under articles 226 and
227 of the Constitution of India, praying to
direct the Respondent to release the Tanker bearing
No. AP-28-T-7699, containing 1500 M.T.S. of Molasses
to the Custody of the petitioners and etc.,

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Writ petitions coming on for ^{preliminary hearing} ~~orders~~ this day,
the Court made the following:-

ORDER

The petitioners have prayed for release of the tankers containing Molasses. FIRs have been filed by the respondents alleging contravention of Sections 32, 34, 35 and 38A of the Karnataka Excise Act, 1965.

It is stated that the alleged irregularities are non-existent and cannot be said to be ⁱⁿ contravention of the aforesaid sections.

At this stage, it would not be proper to make any observation since the matter is pending for investigation. The matter as to whether the offence has been committed or not is yet to be investigated by the Police Authorities and thereafter the challan is to be filed. If the investigation is not complete, the police authorities are directed to complete the investigations within three weeks from the date of submission of copy of this order, and if the challan is filed then the petitioner may approach the

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concerned Court having the jurisdiction for appropriate orders, No relief at this stage could be given by this Court. Petition stands disposed of with the above observations.

Sd/- JUDGE.

*CDF.

r. by : 10/6/98



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Assistant Registrar
High Court of Karnataka
Bangalore-560 001

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